## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

United States of America,	)
	)
VS.	) Criminal Case Number: 8:13-CR-00987
	)
Emlyn Mousley	)

## MOTION REQUESTING RELIEF FROM ORDER OF APPEARANCE

COMES NOW THE DEFENDANT, Emlyn Mousley, by and through his undersigned counsel, and respectfully requests this Court relieve him from his obligation to appear at the Pre-Trial Conference/Change of Plea Hearing currently set for January 20, 2015 at 10:30 a.m. at the United States Federal Courthouse in Greenville, South Carolina.

This motion is based upon the following grounds:

- 1. This Defendant is a citizen and resident of the United Kingdom.
- 2. This Defendant was taken into custody and released on bond by this Court via the Order of the United States Magistrate Judge on September 9, 2013 and ordered to remain in the United States until a subsequent hearing (Docket entry #7).
- 3. In a hearing on September 13, 2013, Defendant agreed to the terms of a Consent Order that was ultimately entered on September 17, 2013 (Docket entries #s 12 and 14). In this Order, Defendant consented to be tried in his absence, and by the Court if he failed to appear for his trial, and it was understood that this Defendant would not appear for routine court appearances based upon the difficulty in travel.
- 4. This Defendant had originally was scheduled to appear in this Court and enter a plea in mid-2014. When Defendant Mousley attempted to enter the United States, he was taken into custody and not allowed to enter the United States. Defendant

- spent approximately three thousand (\$3,000) dollars attempting to come to Court at that time. Defendant currently has limited resources to effectuate a return in January.
- 5. Since that Court date, the Government has had some difficulty in providing a manner for this Defendant to get into the Country and before the Court.
  Ultimately, an Order of this Court dated December 8, 2014 was determined to provide the authority Defendant needs for safe passage to Court (Docket entry #61). This Order provides that Defendant shall be in violation of his bond and in contempt of court should he not appear at this hearing.
- 6. Counsel and the government are still discussing the case, but at this time, this

  Defendant does not wish to enter a plea of guilty, and Defendant has instructed
  his counsel to prepare for trial.
- 6. Defendant does not want to go to the time and expense of travelling to South

  Carolina for a Pre-Trial Conference/Change of Plea hearing in which the matter

  will not be resolved.
- 7. Defendant avers that, since he has waived his right to attend these hearings, and he does intend to return to South Carolina for his trial, that this Court should withdraw its Order, allow him to request a trial through his attorney and set the jury trial date in the normal course of the Court's business.

Counsel has previously consulted with Assistant United States Attorney David Stephens concerning this issue and believes the Government will oppose this request.

Respectfully submitted this the 15th day of January, 2015.

Eppes & Plumblee, P.A.

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